

REMARKS

The Office Action mailed April 3, 2006, has been carefully considered together with each of the references cited therein. The amendments and remarks presented herein are believed to be fully responsive to the Office Action. The amendments made herein are fully supported by the Application as originally filed. No new matter has been added. Accordingly, reconsideration of the present Application in view of the above amendments and following remarks is respectfully requested.

Specification

The abstract stands objected to because it is underlined. The Office requires correction. By this Amendment, Applicants have submitted the identical abstract without underlining.

Claim Rejections Under 35 USC § 103

Claims 1-18 stand rejected under 35 USC § 103(a) as being unpatentable over European Patent Specification No. 1,104,789. The Office indicates that U.S. Patent Application Publication No. 2004/0177790 is used as the English language equivalent of the European document. This rejection is respectfully traversed.

As discussed in Applicants specification, page 2 lines 20-22,:

The present invention has for its object to find new way to achieve warpage-free coloration of partly crystalline plastics with diketopyrrolopyrrole pigment.

EP Specification No. 1,104,789 does not disclose or teach the formula for the diketopyrrolopyrrole pigment, as admitted by the Office on page 3 of the Office Action. More importantly, the reference provides no indication to one with ordinary skill in the art that the particular diketopyrrolopyrroles of the claimed invention unexpectedly and surprisingly reduces the warpage of a colored polyolefin.

Assuming, *arguendo* that the Office's § 103 rejection is indeed a *prima facie* case of obviousness, it is believed that the unexpected and surprising results obtained by the claimed invention is more than sufficient to overcome the *prima facie* rejection. In support of Applicants' position, please find enclosed herein a declaration under 37 CFR § 1.132 of a Dr. Matthias Ganschow, attesting to the fact that the preparations in accordance with the present invention, in contrast to those disclosed in EP 1,104,789, exhibit unexpected and surprisingly significantly lower warpage. Given the fact that the instant invention shows unexpected and surprisingly lower effects on warpage in comparison to the cited EP 1,104,789 it is respectfully contended that the present invention manifests unexpected and clearly superior results. For at least this reason, it is Applicants' courteous position that the § 103 rejection has been overcome.

In view of the above, it is respectfully contended that the 35 USC § 103 rejection over European Patent Specification No. 1,104,789 has been overcome. Applicants therefore, respectfully request reconsideration and withdrawal of the rejection.

Double Patenting

Claims 1-6 and 13 stand rejected under the nonstatutory obviousness-type double patenting rejection as being unpatentable over claims 1-4 and 8 of copending Application No. 10/807,634. Attached here is a terminal disclaimer against US Patent Application 10/807,634.

Claims 1-6 and 13 stand provisionally rejected under the nonstatutory obviousness-type double patenting rejection as being unpatentable over claims 1-12 of copending Application No. 10/375,668. Since the mailing date of this Office Action, U.S. Serial No. 10/375,668 has matured into U.S. Patent No. 7,045,638. Attached hereto a terminal disclaimer in favor of U.S. Patent 7,045,638.

In view of the above, it is respectfully contended that the judicially created obviousness type double patenting rejections have been overcome.

In view of the forgoing amendments and remarks, the present application is believed to be in condition for allowance, and reconsideration of it is requested. If the Examiner disagrees, he is requested to contact the attorney for Applicants at the telephone number provided below.

Respectfully submitted,



Anthony A. Bisulca
Attorney for Applicant
Registration No. 40,913

(CUSTOMER NUMBER 25,255)

Clariant Corporation
Industrial Property Department
4000 Monroe Road
Charlotte, North Carolina 28205
Phone: (704) 331-7151
Fax: (704) 331-7707